

I wherein the balloon is sized and configured for intravascular use and has a burst pressure in excess of 7 atmospheres.

115(New). An expandable catheter balloon comprising:

- (a) a first layer consisting essentially of biaxially oriented polyester; and
- (b) a second layer adhered to the first layer and consisting essentially of biaxially oriented polyester which is less crystalline than the biaxially oriented polyester of the first layer;

wherein the balloon is sized and configured for intravascular use and has a burst pressure in excess of 7 atmospheres.

#### REMARKS

Applicant acknowledges receipt of the first Office Action mailed November 13, 1996 (paper no. 23). Claims 61-64, 74-76, 79, 80, and 83-93 were under examination and were rejected in the Office Action.

By the above amendments, in order to expedite allowance of this application, applicant has canceled the pending claims without prejudice or disclaimer of matter contained therein and has substituted new claims 94-115 therefor. Applicant respectfully submits that no new matter has been added by way of the new claims.

The objection and rejection under 35 U.S.C. § 112, first paragraph, is believed to have been rendered moot by the

cancellation of the rejected claims. Accordingly, withdrawal of the objection and rejection is respectfully requested.

Support for the new claims is found in both applicant's serial no. 07/411,649, filed September 25, 1989 and applicant's serial no. 07/727,664, filed July 9, 1991, *inter alia*, as described next. Biaxial orientation of the multilayer balloon is clearly supported in the original specification, e.g., at page 4, lines 5-7 and at page 5, line 21 - page 6, line 27. Support for biaxial orientation of the multilayer balloon is found in the Continuation-In-Part specification, e.g. at page 4, lines 25-29; page 6, lines 6-8; and at page 7, line 20 to page 9, line 15.

Claims 61-64, 74-76, 79, 80, and 83-93 stood rejected over Wang et al. (U.S. Patent No. 5,195,969) in view of several secondary documents. These rejections also are believed to have been rendered moot by the cancellation of the rejected claims and the substitution of claims 94 et seq. therefor. Accordingly, withdrawal of these rejections is respectfully requested.

Claims 61-64, 74-76, 79, 80, and 82-93 were also rejected over Levy (U.S. Patent No. 4,490,421) in view of numerous secondary documents. These rejections, it is submitted, were also rendered moot by the cancellation of the rejected claims and the substitution of claim 94 et seq. therefor. Accordingly, withdrawal of these rejections is respectfully requested.

Applicant respectfully submits that the cited documents, either alone or in combination, do not teach or suggest the

invention as claimed in new claims 94 et seq. The new claims have an effective filing date of September 25, 1989, which predates the Wang et al. patent filing date, and Levy does not teach or suggest a balloon comprising two biaxially oriented layers.

In view of the foregoing, applicant respectfully submits that the claims are in condition for allowance. Such favorable action is earnestly solicited.

Respectfully submitted,

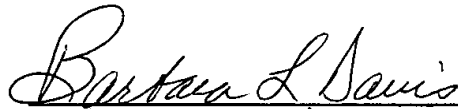
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment in response to the Official Action of November 13, 1996, in application Serial No. 08/692,314, filed on August 5, 1996, of Robert N. Hamlin entitled "MULTILAYER EXTRUSION OF ANGIOPLASTY BALLOONS" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, postage prepaid, on April 14, 1997.



Barbara L. Davis  
Secretary to C. G. Mersereau  
Attorney for Applicant

Date of Signature: April 14, 1997